

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|---------------------------------------|---|--------------------|
| GEORGE M. ROWANN, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | 07-304 Erie |
| |) | |
| CITY OF ERIE, PENNSYLVANIA and |) | |
| COUNTY OF ERIE, PENNSYLVANIA, |) | |
| |) | |
| Defendants |) | |

MEMORANDUM ORDER

Plaintiff's Complaint was received by the Clerk of Court on October 31, 2007 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. Subsequent to the filing of this first Complaint [Doc. #3], Plaintiff filed a "Motion to Amend/Correct Complaint" on March 17, 2008 [Doc. #29]. On April 8, 2008, Magistrate Judge Baxter issued a Text Order wherein she granted Plaintiff's Motion to Amend/Correct Complaint" and ordered that the proposed amendments contained within Plaintiff's Motion were deemed made as of the date of the Text Order.

Defendant City of Erie moved to dismiss Plaintiff's Complaint on February 21, 2008 [Doc. #19]. Defendant County of Erie moved to dismiss Plaintiff's Complaint on February 26, 2008 [Doc. #21]. Plaintiff filed a response to both motions to dismiss on March 14, 2008 [Docs. #26, and 27].


On June 27, 2008, Magistrate Judge Baxter issued a report and recommendation, recommending that both motions to dismiss be granted. The parties were allowed ten (10) days

from the date of service to file objections. Service was made on Plaintiff by certified mail at SCI Waymart, where he is incarcerated, and on Defendants. Plaintiff filed his objections on July 3, 2008 [Doc. #36].

Rule 72 of the Federal Rules of Civil Procedure provides, in pertinent part “the district court may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.” Fed.R.Civ.P. 72(b). After de novo review of the pleadings and documents in the case, together with the report and recommendation, we accept Magistrate Judge Baxter’s June 27, 2008 report and recommendation and adopt it as the Opinion of this Court.

An appropriate Order follows.

Dated: July 15, 2008


MAURICE B. COHILL, JR.
United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge

all parties of record _____